

RESPONSE TO OFFICE ACTION

"Method And Apparatus For The Treatment Of Individual Filaments Of A Multifilament Yarn"

Serial No. 10/731,863

Atty. Docket No. 030716.002

Page 1 of 4

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER
MAY 01 2007

Inventor:	Jar-Wha Lee)	
)	
Serial No.:	10/731,863)	Examiner: Katherine A. Bareford
)	
Filed:	December 8, 2003)	Art Unit: 1762
)	
Title:	METHOD AND APPARATUS FOR)	
	THE TREATMENT OF INDIVIDUAL)	
	FILAMENTS OF A)	
	MULTIFILAMENT YARN)	
)	
Date:	May 1, 2007)	
)	
Atty. Docket:	030716.002)	

5

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT MAILED ON 04/10/2007

FILED BY FACSIMILE TO 571-273-8300

10 Honorable Commissioner of Patents and Trademarks
 Mail Stop: Non-Fee Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

15

Commissioner:

Please enter this election to the above-captioned application as follows:

1. Claims 1-33 are pending in the application.
- 20 2. In response to the Examiner's Restriction/Election Requirement, Applicant elects, with traverse, Examiner's "Group I," to which claims 1-21 are readable.
3. Applicant distinctly and specifically points out the errors of the restriction requirement as follows:

RESPONSE TO OFFICE ACTION

"Method And Apparatus For The Treatment Of Individual Filaments Of A Multifilament Yarn"

Serial No. 10/731,863

Atty. Docket No. 030716.002

Page 2 of 4

a. All of the claims are related to, as the application is titled, "METHOD AND APPARATUS FOR THE TREATMENT OF INDIVIDUAL FILAMENTS OF A MULTIFILAMENT YARN."

b. It would not be an undue burden to examine the claims in full.

5 c. The Examiner takes the position that the method and apparatus claims differ in that the apparatus could be used, for example, to practice another and materially different process, such as treating single filament material or tubing. However, the Examiner's position that the inventions are distinct is based only on allegation as there has been no "showing" that in fact the different groups of claims or
10 inventions have clearly been established to be distinct. The Manual of Patent Examining Procedure points out that a restriction requirement is proper only if the different inventions are truly independent, which means that there is no disclosed relationship between the two or more subjects disclosed; that is, that they are unconnected in design, operation or effect, and they must be capable of separate
15 manufacture, use or sale, and are patentable over each other. The purpose of the instant invention is distinctly directed to multifilament materials, and not monofilaments as suggested by the Examiner. The Manual of Patent Examining Procedure requires that it must be demonstrated that the two or more claimed inventions have no disclosed relationship. Only then is restriction required. An
20 unsupported allegation by the Examiner is not believed sufficient to support the required demonstration that the claimed inventions have no disclosed relationship. It is submitted that the burden is on the Examiner to cite appropriate prior art to

RESPONSE TO OFFICE ACTION

"Method And Apparatus For The Treatment Of Individual Filaments Of A Multifilament Yarn"

Serial No. 10/731,863

Atty. Docket No. 030716.002

Page 3 of 4

clearly show that the two or more disclosed inventions clearly have distinct status in the art. Failing that, a restriction requirement is not proper.

d. It is further submitted that in view of the fees charged for filing of divisional patent applications and prosecution and maintaining the resulting patents places an undue burden on the Applicant, which requires that any restriction or election requirement be clearly supported and made according to the rules.

4. A supplemental Information Disclosure Statement (USPTO-08A) is included with this Response. No fee is believed necessary as this Supplemental Information Disclosure Statement is being submitted prior to the first Office Action on the Merits, as provided for in 37 C.F.R. 1.97(b)(3).

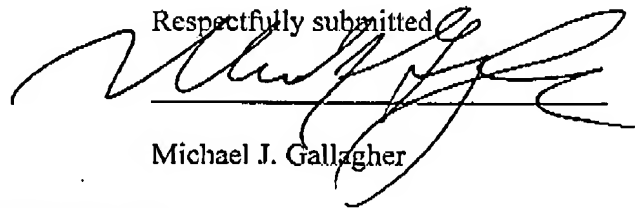
In view of the above, it is submitted that the application is in condition for examination.

If any question should arise with respect to the above remarks, or if it would in any way expedite the prosecution of this case, applicant's attorney would appreciate a telephone call at (614) 228-6280 extension 17.

May 1, 2007

Date

Respectfully submitted



Michael J. Gallagher

Gallagher & Dawsey Co., LPA; Customer No. 34,142

Mailing Address:

P.O. Box 785
Columbus, Ohio 43216
(614) 228-6280 ext. 17 (Telephone)
(614) 228-6704 (FAX)

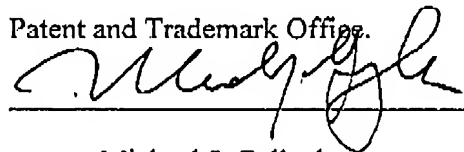
“ *RESPONSE TO OFFICE ACTION*
“Method And Apparatus For The Treatment Of Individual Filaments Of A Multifilament Yarn”
Serial No. 10/731,863
Atty. Docket No. 030716.002
Page 4 of 4

CERTIFICATE OF FAX TRANSMISSION UNDER 37 CFR 1.8

I, undersigned, have transmitted the accompanying Response To Restriction/Election Requirement by FAX to 571-273-8300 on May 1, 2007 at 0915 ^{pm} to the United States

Patent and Trademark Office.

5



Michael J. Gallagher